

ESTTA Tracking number: **ESTTA589999**

Filing date: **02/28/2014**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Notice of Opposition

Notice is hereby given that the following party opposes registration of the indicated application.

Opposer Information

Name	WTW Wholesale Tires & Wheels, Inc.		
Entity	Corporation	Citizenship	California
Address	12717 Ann Street Santa Fe Springs,, CA 90670 UNITED STATES		

Attorney information	Kenneth L Green Averill and Green 14831 Whittier Blvd. Suite 206 Whittier, CA 90605 UNITED STATES kgreen@averillandgreen.com Phone:562-698-8039
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Applicant Information

Application No	86071275	Publication date	02/18/2014
Opposition Filing Date	02/28/2014	Opposition Period Ends	03/20/2014
Applicant	WTW Car Accessories #2, Corp 3419 W Broward Blvd Lauderhill, FL 33312 FL		

Goods/Services Affected by Opposition


Class 035. First Use: 2005/08/01 First Use In Commerce: 2005/08/01 All goods and services in the class are opposed, namely: Distributorship services in the field of Wheels, Tires, Rims, Car Accessories, Car Customization, automotive performance parts; On-line wholesale and retail store services featuring Wheels, Tires, Rims, Car Accessories, Car Customization, automotive performance parts; Retail automobile parts and accessories stores; Retail tire stores; Retail Wheels, Tires, Car accessories, Car Customization, automotive performance parts stores

Grounds for Opposition

Priority and likelihood of confusion	Trademark Act section 2(d)
Dilution	Trademark Act section 43(c)

Mark Cited by Opposer as Basis for Opposition

U.S. Application No.	86176361	Application Date	01/27/2014
Registration Date	NONE	Foreign Priority Date	NONE

Word Mark	WTW
Design Mark	
Description of Mark	NONE
Goods/Services	Class 035. First use: First Use: 1999/12/31 First Use In Commerce: 1999/12/31 Distributor of wheels

Attachments	86176361#TMSN.jpeg(bytes) Pleading.pdf(19953 bytes)
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Certificate of Service

The undersigned hereby certifies that a copy of this paper has been served upon all parties, at their address record by First Class Mail on this date.

Signature	/ K. L. Green /
Name	Kenneth L Green
Date	02/28/2014

WTW Corp. has provided, and continues to provide, distributorship services of various automotive components, including wheels, under the trademark "WTW" in interstate commerce at least as early as December 1, 2004. WTW Corp has made a substantial investment in the WTW trademark which as a result has become very well known both domestically and internationally in the aftermarket wheel industry. On January 27, 2014, WTW Corp. filed US trademark application serial number 86176361 for WTW for a Distributor of Wheels, at which time WTW corp. became aware of the WTW CUSTOMS trademark application. Because the dominant element of "WTW CUSTOMS" is WTW, and CUSTOMS is merely descriptive of the services, the registration of WTW CUSTOMS for Distributorship Services in the Field of Wheels, Tires, Rims, Car Accessories, Car Custimization, Automotive Performance Parts; On-line Wholesale and Retail Store Services Featuring Wheels, Tires, Rims, Car Accessories, Car Custimization, Automotive Performance Parts; Retail Automobile Parts and Accessories Stores; Retail Tire Stores; Retail Wheels, Tires, Car Accessories, Car Custimization, Automotive Performance Parts Stores (all closely related to wheels) would both dilute the WTW trademark and result in consumer confusion. WTW Corp. further believes that the trademark application serial number 86176361 filed January 27, 2014 for WTW will be refused if the WTW CUSTOMS trademark is registered. Thus, WTW Corp. would be severely damaged by the registration of WTW CUSTOMS for Distributorship Services in the Field of Wheels, Tires, Rims, Car Accessories, Car Custimization, Automotive Performance Parts; On-line Wholesale and Retail Store Services Featuring Wheels, Tires, Rims, Car Accessories, Car Custimization, Automotive Performance Parts; Retail Automobile Parts and Accessories Stores; Retail Tire Stores; Retail Wheels, Tires, Car Accessories, Car Custimization, Automotive Performance Parts Stores, and seeks relief in the form of cancellation of the WTW CUSTOMS trademark application.